

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN L. RUST and KAREN J. RUST,

Plaintiff,

v.

BIOMEDICAL TISSUE SERVICES. LTD.,
MICHAEL MASTROMARINO, REGENERATION
TECHNOLOGIES, INC. and MEDTRONIC
SOFAMOR DANEK USA, INC.

Defendants.

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: C.A. No. 07-222 (GMS)
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STIPULATION TO FURTHER EXTEND TIME

IT IS HEREBY STIPULATED, by and between Plaintiffs John and Karen Rust (the "Rusts") and Defendant Medtronic Sofamor Danek USA, Inc. ("Medtronic"), and subject to the approval of the Court, that the date by which Medtronic must answer, move, or otherwise respond to the Rusts' amended complaint shall be extended to June 29, 2007.

/s/ Brian F. Dolan

Brian F. Dolan (#3190)
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Attorneys for John and Karen Rust

/s/ Thomas H. Kovach

Thomas H. Kovach (#3964)
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(302) 777-6500

*Attorneys for Medtronic Sofamor Danek USA,
Inc.*

Dated: May 24, 2007

SO ORDERED this ____ day of _____, 2007.

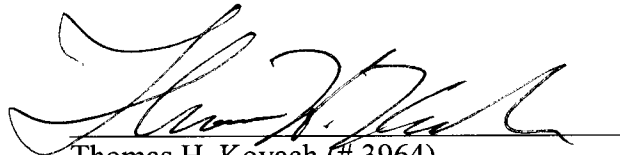
United States District Judge

CERTIFICATE OF SERVICE

I, Thomas H. Kovach, hereby certify that on the 24th day of May, 2007, I caused a true copy of the foregoing *Stipulation to Further Extend Time* to be electronically filed with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to the following:

Brian F. Dolan, Esquire
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May 24, 2007

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

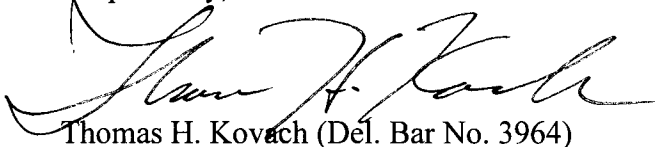
Re: John L. Rust and Karen J. Rust v.
Biomedical Tissue Services, LTD., et al;
C.A. No. 07-222 (GMS)

Dear Judge Sleet:

I write to explain the additional extension being requested in the Stipulation to Further Extend Time being filed concurrently herewith. On May 9, 2007, the Clerk of the Multidistrict Litigation Panel issued a Conditional Transfer Order ("CTO") to transfer this matter to the District of New Jersey under 28 USC §1407. Objections to this CTO are due by May 24, 2007. We have learned that plaintiff's counsel will not oppose transfer. Nevertheless, it is highly unlikely that the actual transfer of this case to the District of New Jersey will be completed prior to May 30, 2007, the current deadline for Medtronic to answer, move or otherwise plead. In order to allow sufficient time for the Multidistrict Litigation process to be completed prior to the time when Defendant Medtronic must respond to the Complaint, we are jointly requesting an additional thirty (30) day extension for Medtronic to respond to the Complaint, until June 29, 2007.

Counsel are available should the Court have any questions.

Respectfully,



Thomas H. Kovach (Del. Bar No. 3964)

THK/kw

#8586390 v1

Philadelphia

Boston

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Orange County

Princeton

Wilmington

Pepper Hamilton LLP
Attorneys at Law

The Honorable Gregory M. Sleet

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May 24, 2007

cc: Brian F. Dolan, Esquire(via electronic filing)
John T. Carroll, III, Esquire (via electronic filing)
Joseph J. Bellew, Esquire (via electronic filing)